

**SUMMARY REPORT DIGEST-
COMPLAINT REGISTER INVESTIGATION NO.:
CHICAGO POLICE DEPARTMENT**

274783

DATE OF REPORT (DAY-MO-YEAR)

11Dec01

To be used in all cases that are to be classified as either EXONERATED, UNFOUNDED, NOT SUSTAINED, or
in SUSTAINED cases where the Disciplinary Recommendation does not exceed FIVE (5) DAYS SUSPENSION.

SUBMIT ORIGINAL AND 3 COPIES IF ASSIGNED TO SAME UNIT AS ACCUSED.
SUBMIT ORIGINAL AND 4 COPIES IF NOT ASSIGNED TO SAME UNIT AS ACCUSED.

TO: **SUPERINTENDENT OF POLICE**

ATTENTION ADMINISTRATOR IN CHARGE, OFFICE OF PROFESSIONAL STANDARDS
 ASSISTANT DEPUTY SUPERINTENDENT, INTERNAL AFFAIRS DIVISION

FROM-INVESTIGATOR'S NAME		RANK	STAR NO.	SOCIAL SEC. NO.	EMPLOYEE NO.	UNIT ASSIGN.	
MORAN, Anne M		SGT	1972			007	
ADDRESS OF INCIDENT		DATE OF INCIDENT - TIME		BEAT OF INCIDENT		LOCATION CODE	
64 [REDACTED] S Aberdeen		15Sep01 2055		724		19	
ACCUSED	NAME	RANK	STAR NO.	SOCIAL SEC. NO.	EMPLOYEE NO.	UNIT ASSIGN.	
	1. CUNNINGHAM, AARON B.	P.O.	15522			007	
	2. JOHNSON, EDWARD R.	P.O.	14218			007	
SEX/RACE D.O.B.	DATE OF APPOINTMENT	DUTY STATUS (TIME OF INCIDENT)					
1. M 2 [REDACTED] 67	29 Jun 98	<input checked="" type="checkbox"/> ON DUTY <input type="checkbox"/> OFF DUTY			<input checked="" type="checkbox"/> SWORN <input type="checkbox"/> CIVILIAN	PHYS. COND. CODE	
2. M 4 [REDACTED] 76	13 Sep 99	<input checked="" type="checkbox"/> ON DUTY <input type="checkbox"/> OFF DUTY			<input checked="" type="checkbox"/> SWORN <input type="checkbox"/> CIVILIAN	01	
IF APPLICABLE - DATE ARRESTED/INDICTED		CHARGES		COURT BRANCH	DISPOSITION & DATE		
1. Dna							
2. Dna							
COMPLAINANTS	NAME	ADDRESS**	CITY STATE	TELEPHONE	SEX/RACE	D.O.B./AGE	PHYS. COND. CODE
					F/1	[REDACTED] 66	0'
VICTIMS	NAME	ADDRESS**	CITY STATE	TELEPHONE	SEX/RACE	D.O.B./AGE	PHYS. COND. CODE
	Complainant and witnesses						
WITNESSES	NAME	ADDRESS**	CITY STATE	TELEPHONE	SEX/RACE	D.O.B./AGE	PHYS. COND. CODE
					M/1	[REDACTED] 64	0'
ALLEGATIONS	NAME	ADDRESS**	CITY STATE	TELEPHONE	SEX/RACE	D.O.B./AGE	PHYS. COND. CODE
					M/1	[REDACTED] 83	0'

SEE ATTACHED SHEET FOR ADDITIONAL ACCUSED, COMPLAINANTS, VICTIMS, WITNESSES.

The complainant alleged that the above named accused entered her residence without a warrant or permission, displayed an Asp baton, displayed their weapons and discharged pepper spray into one of her rooms.

I.A.D. LOCATION CODES*

- 01 Food Sales/Restaurant
- 02 Tavern/Liquor Store
- 03 Other Business Establishment
- 04 Police Building
- 05 Lockup Facility
- 06 Police Maintenance Facility
- 07 CPD Automotive Pound Facility
- 08 Other Police Property
- 09 Police Communications System
- 10 Court Room

- 11 Public Transportation Veh./Facility
- 12 Park District Property
- 13 Airport
- 14 Public Property - Other
- 15 Other Private Premise
- 16 Expressway/Interstate System
- 17 Public Way - Other
- 18 Waterway, Incl. Park District
- 19 Private Residence

I.A.D. PHYSICAL CONDITION CODES*

- 01 No Visible Injury - Apparently Normal
- 02 No Visible Injury - Under Influence
- 03 Injured, Not Hospitalized
- 04 Injured, Not Hospitalized - Under Influence
- 05 Injured, Hospitalized
- 06 Injured, Hospitalized - Under Influence
- 07 Injured, Refused Medical Aid
- 08 Injured, Refused Medical Aid - Under Influence
- 09 Deceased
- 10 Deceased - Under Influence

* * IF CPD MEMBER, LIST RANK, STAR, SOCIAL SECURITY, EMPLOYEE NOS. IN ADDRESS BOX, PAX/BELL IN TELEPHONE BOX.

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IF APPLICABLE - DATE ARRESTED/INDICTED		CHARGES	COURT BRANCH		DISPOSITION & DATE		
1. Dna							
2. Dna							
COMPLAINANTS	NAME	ADDRESS**	CITY STATE	TELEPHONE	SEX/RACE	D.O.B./AGE	PHYS. COND. CODE
	Complainant and witnesses	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED] 01
VICTIMS	NAME	ADDRESS**	CITY STATE	TELEPHONE	SEX/RACE	D.O.B./AGE	PHYS. COND. CODE
	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED] 01
WITNESSES	NAME	ADDRESS**	CITY STATE	TELEPHONE	SEX/RACE	D.O.B./AGE	PHYS. COND. CODE
	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED] 01

SEE ATTACHED SHEET FOR ADDITIONAL ACCUSED, COMPLAINANTS, VICTIMS, WITNESSES.

The complainant alleged that the above named accused entered her residence without a warrant or permission, displayed an Asp baton, displayed their weapons and discharged pepper spray into one of her rooms.

ALLEGATIONS

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INVESTIGATION SUMMARY CONTINUATION, CR# 274783

Upon being assigned this investigation, R/Sgt contacted the complainant and witnesses for interviews. Each of the parties related the same account given to Sgt Kenneth Johnson #1743 on the date of the incident.

Each related to the extent of their knowledge that [REDACTED] were stopped and searched by the accused officers. Words were exchanged between [REDACTED] and the accused officers. The accused officers exited their vehicle and pursued [REDACTED] into house, with their weapons in hand (Cunningham - gun and ASP, Johnson - gun and chemical spray). After searching the house, and not finding [REDACTED] PO Edward Johnson allegedly discharged chemical spray in one of the bedrooms. (Att 4 thru 8)

Next, R/Sgt contacted the Illinois State Forensics Lab/Trace Chemistry and spoke to [REDACTED] related to R/Sgt the procedure for testing chemical spray. This procedure could not conclusively prove that the accused had discharged his spray in this incident. For this reason, R/Sgt did not request that testing be done. (Att 9 and 10)

Using the information learned from the Initiation Report, and the interviews with the complainant parties, R/Sgt identified each accused officer's alleged role in the incident. They were served with the appropriate Notification of Charges/Allegations, Administrative Proceedings Rights, and Waiver/Request to Secure Counsel forms, and directed to submit reports in answer to the allegations. (Att 11 thru 14 and 16 thru 18)

In his report, PO Aaron Cunningham relates that he observed [REDACTED] creating a loud disturbance at the location of the incident. PO Cunningham and his partner approached the individual, who "refused to display hands for officer safety" or show officers identification. The officer relates that he and his partner subsequently returned to their vehicle, at which time [REDACTED] yelled "Fuck you Motherfuckers!" and kicked a bottle in the direction of the officer's vehicle. The officer states that he and his partner exited their vehicle in order to calm [REDACTED]. They approached [REDACTED] and directed him to stop, at which time [REDACTED] fled into the residence. The officer admits that he and his partner entered and searched the residence, but claims that they did so out of concern for possible occupants. He claims that there were no occupants at the time. PO Cunningham denies having his weapon unholstered upon entering the residence. As for the allegation regarding the possession of a ASP-style baton, PO Cunningham admits being in possession of the weapon.

In his report, PO Edward Johnson relates very much the same account as his partner although shorter in form. PO Edward Johnson denies the allegations regarding having his weapon unholstered, as well as the allegation regarding discharging his chemical spray.

Regarding the allegation that the accused officers entered the complainant's residence without a warrant or permission, R/Sgt finds that this allegation is proved by the investigation. Although the officers appear to have had the best of intentions, they have not adequately met the

standards for a warrantless entry. [REDACTED] actions, as related by the officers, do not constitute a criminal act that is "grave" in nature. As for the officers' belief that any occupants of the house might be in danger, it is apparent from their summaries of the incident that [REDACTED] allegedly dangerous actions were directed solely at the officers.

Regarding the allegation that PO Cunningham was in possession of an ASP-style baton in violation of Department Directives, R/Sgt finds that this allegation has been proven.

Regarding the allegation that PO Johnson discharged his chemical spray within the complainant's residence, and the allegation that the officers entered the residence with their weapons unholstered, R/Sgt finds that these allegations cannot be proved or disproved by the investigation.

[REDACTED]

Sgt Anne MORAN #1972

ADDITIONAL WITNESSES, CR# 274783

[REDACTED] F/1 [REDACTED] 85 01
[REDACTED] M/1 [REDACTED] 84 01

FINDING/RECOMMENDATION CONTINUATION, CR# 274783

PO Aaron CUNNINGHAM #15522

FINDINGS: As to the allegation that PO Aaron CUNNINGHAM #15522 entered the complainant's residence without a warrant or permission, R/Sgt makes of finding of **SUSTAINED** and that, in doing so, PO CUNNINGHAM violated Rule 2 of the Chicago Police Department Rules and Regulations.

As to the allegation that PO Aaron CUNNINGHAM #15522 entered the complainant's residence with his gun unholstered, R/Sgt makes of finding of **NOT SUSTAINED** in that this allegation could not be proved or disproved.

As to the allegations that PO Aaron CUNNINGHAM #15522 was in possession of an ASP-style baton, R/Sgt makes a finding of **SUSTAINED** and that, in doing so, PO CUNNINGHAM violated Rule 6 of the Chicago Police Department Rules and Regulations.

RECOMMENDATION: Taking into account the officer's complimentary and disciplinary histories, R/Sgt recommends a **One (1) Day Suspension**.

PO Edward JOHNSON #14218

FINDINGS: As to the allegation that PO Edward JOHNSON #14218 entered the complainant's residence without a warrant or permission, R/Sgt makes of finding of **SUSTAINED** and that, in doing so, PO CUNNINGHAM violated Rule 2 of the Chicago Police Department Rules and Regulations.

As to the allegation that PO Edward JOHNSON #14218 entered the complainant's residence with his gun unholstered, R/Sgt makes of finding of **NOT SUSTAINED** in that this allegation could not be proved or disproved.

As to the allegation that PO Edward JOHNSON #14218 discharged his chemical spray while in the complainant's residence, R/Sgt makes a finding of **NOT SUSTAINED** in that this allegation could not be proved or disproved.

RECOMMENDATION: Taking into account the officer's complimentary and disciplinary histories, R/Sgt recommends a **Reprimand**.

Sgt Anne MORAN #1972

SCHEDULE OF ATTACHMENTS, CR# 274783

1. Complaint Against Department Member
2. Initiation Package (13 pages)
3. Request for Time Extension
4. To-From, Interview with [REDACTED]
5. To-From, Interview, [REDACTED]
6. To-From, Interview, [REDACTED]
7. To-From, Interview, [REDACTED]
8. To-From, Interview, [REDACTED]
9. Memo for record, conversation with [REDACTED] (Crime Lab)
10. Memo for record, conversation with Cmdr Maurice Ford
11. Memo for record, dated 01Nov01
12. Notification of Charges/Allegations, PO Aaron Cunningham #15522
13. Administrative Proceedings Rights, PO Aaron Cunningham #15522
14. Waiver/Request to Secure Counsel, PO Aaron Cunningham #15522
15. To-From, PO Aaron Cunningham #15522
16. Notification of Charges/Allegations, PO Edward Johnson #14218
17. Administrative Proceedings Rights, PO Edward Johnson #14218
18. Waiver/Request to Secure Counsel, PO Edward Johnson #14218
19. To-From, PO Edward Johnson #14218
20. Complimentary History, PO Aaron Cunningham #15522
21. Disciplinary History, PO Aaron Cunningham #15522
22. Complimentary History, PO Edward Johnson #14218
23. Disciplinary History, PO Edward Johnson #14218